

TENTH DAY.

(Monday, January 21, 1929.)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

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| Mr. Speaker. | Keller. |
| Ackerman. | Kemble. |
| Adkins. | Kennedy. |
| Albritton. | Kincaid. |
| Anderson. | King. |
| Avis. | Kinnear. |
| Baker. | Land. |
| Baldwin. | Lee. |
| Barnett. | Long of Houston. |
| Bateman. | Long of Wichita. |
| Beck. | Loy. |
| Bond. | Mankin. |
| Bounds. | Martin. |
| Bradley. | Maynard. |
| Brice. | McCombs. |
| Brooks. | McDonald. |
| Carpenter. | McGill. |
| Chastain. | Mehl. |
| Coltrin. | Metcalfe. |
| Conway. | Montgomery. |
| Cox of Navarro. | Moore. |
| Cox of Lamar. | Mosely. |
| Cox of Limestone. | Mullally. |
| Davis. | Murphy. |
| DeWolfe. | Negley. |
| Dunlap. | Nicholson. |
| Duvall. | Olsen. |
| Enderby. | O'Neill. |
| Ewing. | Palmer. |
| Eickenroht. | Patterson. |
| Finn. | Pavlica. |
| Finlay. | Petsch. |
| Forbes. | Pool. |
| Gates. | Pope of Jones. |
| Gerron. | Pope of Nueces. |
| Gilbert. | Prendergast. |
| Giles. | Purl. |
| Graves | Quinn. |
| of Williamson. | Ray. |
| Graves of Erath. | Reader. |
| Hardy. | Reid. |
| Harding. | Richardson. |
| Harman. | Rountree. |
| Harper. | Sanders. |
| Harrison. | Savage. |
| Heaton. | Shelton. |
| Hines. | Sherrill. |
| Hogg. | Shipman. |
| Holder. | Simmons. |
| Hopkins. | Sinks. |
| Hubbard. | Snelgrove. |
| Jenkins. | Speck. |
| Johnson | Stephens. |
| of Dimmit. | Stevenson. |
| Johnson of Smith. | Strong. |
| Johnson of Scurry. | Tarwater. |
| Keeton. | Thompson. |

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| Thurmond. | White. |
| Tillotson. | Wiggs. |
| Turner. | Williams |
| Van Zandt. | of Sabine. |
| Veatch. | Williams |
| Wallace. | of Hardin. |
| Walters. | Williams |
| Warwick. | of Travis. |
| Webb. | Woodall. |
| Westbrook. | Young. |

Absent.

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| Fuchs. | McKean. |
| Hefley. | Minor. |

Absent—Excused.

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| Acker. | Morse. |
| Hornaday. | Renfro. |
| Jones. | Rogers. |
| Justiss. | Shaver. |
| Kayton. | Smith. |
| Kenyon. | Storey. |
| Lemens. | Waddell. |
| Mauritz. | Woodruff. |

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Justiss for today, on motion of Mr. Savage.

Mr. Hornaday for today, Tuesday and Wednesday, on motion of Mr. Gerron.

Mr. Kenyon for Monday, Tuesday and Wednesday of this week, on motion of Mrs. Moore.

Mr. Woodruff for today, on motion of Mr. Finn.

Mr. Morse for today, on motion of Mr. Kemble.

Mr. Kayton for today, on motion of Mr. Anderson.

Mr. Jones for today, on motion of Mr. Bateman.

Mr. Renfro for today, on motion of Mr. Simmons.

Mr. Rogers for today and the remainder of the week, on motion of Mr. Giles.

Mr. Lemens for today, on motion of Mr. Giles.

Mr. Kenyon for today, on motion of Mrs. Moore.

Mr. Storey and Mr. Shaver for today, on motion of Mr. Dunlap.

The following members were granted leaves of absence on account of illness:

Mr. Smith for today, on motion of Mr. Reader.

Mr. Acker for today, on motion of Mr. Kincaid.

Mr. Mauritz for today, on motion of Mr. Keeton.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. McGill:

H. B. No. 342, A bill to be entitled "An act to fix the salary of the superintendent of public instruction in each county in Texas having a population of not less than 100,000 nor more than 150,000 according to the last Federal census; providing for office expenses in such counties; repealing all laws and parts of laws in conflict; and declaring an emergency."

Referred to Committee on Education.

By Mr. Ackerman, Mr. Giles et al.:

H. B. No. 343, A bill to be entitled "An Act regulating the sale of and defining agricultural seeds and mixed seeds; requiring the filing of representative samples and statements of quality of seed by seed dealers; prohibiting mixtures of seeds unless so labeled; providing for the collection of samples and their examination; defining noxious weeds and foreign matter; providing that certificates of analysis by the Commissioner of Agriculture shall be prima facie evidence in certain cases, and regulating the measures of damages; designating and fixing penalties for its violation and repealing Chapter 4, Revised Civil Statutes of 1925, of Title 4."

Referred to Committee on Agriculture.

By Mr. Tarwater and Mr. Cox of Lamar:

H. B. No. 344, A bill to be entitled "An Act to amend Article 2784, Revised Statutes of 1925, to fix the maximum rate of tax to be levied for school purposes in all school districts, including independent districts, consolidated districts, rural high school districts and common school districts organized under general or special laws; repealing all laws in conflict herewith, both general and special, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Thurmond and Mr. Webb:

H. B. No. 345, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the repurchase of public school land forfeited and reappraised under Chapter 94, an act approved March 19, 1925, and as amended by Chapter 25, an act approved October 27, 1926, for which applications or the first payments therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof, but for which applications and the first payment were so filed; such acceptance and award to be subject to existing rights of any third party who may have filed oil and gas applications thereon."

Referred to Committee on Public Lands and Buildings.

By Mr. Hardy:

H. B. No. 346, A bill to be entitled "An Act to amend Article 5453 of the Revised Civil Statutes of Texas, 1925, relating to liens of mechanics, contractors, material men and laborers, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Palmer:

H. B. No. 347, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by independent school districts in the State of Texas, which levies are unenforceable because of the governing bodies in such respective independent school districts to make such levies by order, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Patterson et al.:

H. B. No. 348, A bill to be entitled "An Act to amend Article 1721 of the Revised Civil Statutes of Texas of 1925, providing for the appointment, qualification, duties and compensation of deputy clerks of the Supreme Court of Texas, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Mankin and Mr. Graves of Williamson:

H. B. No. 349, A bill to be entitled "An Act to amend Article 3118 of the Revised Civil Statutes of Texas for 1925, so as to provide that the county executive committee shall be composed of a county chairman and one member from each justice precinct, and to provide for the election of said committeemen

at the general primary election in 1930 and every two years thereafter; providing that the county executive committee shall appoint a precinct chairman for each voting precinct; providing for filling vacancies on county executive committee and precinct chairman, and declaring an emergency."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Williams of Hardin:

H. B. No. 350, A bill to be entitled "An Act to place a limitation on the period which reserved minerals may be retained by a person who sells land and reserves all of the minerals, and providing for same to revert to land from which segregated within the specified limitations."

Referred to Committee on Oils, Gas and Mining.

By Mrs. Moore:

H. B. No. 351. A bill to be entitled "An Act to permit the State of Texas or any Texas corporation created as an eleemosynary institution without profit to own or acquire and to permit counties to make grants and donations thereto of any properties heretofore acquired by any such county for seawall purposes; repealing all laws and parts of laws in conflict with the provisions of this act, and declaring an emergency."

Referred to Committee on State Eleemosynary and Reformatory Institutions.

By Mr. Graves of Erath:

H. B. No. 352, A bill to be entitled "An Act to amend Article 2655, Revised Statutes of 1925, providing for the election of a State Superintendent of Public Instruction and fixing his term of office, repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Wallace:

H. B. No. 353, A bill to be entitled "An Act making appropriations to cover deficiencies in appropriations heretofore made for the support of the State government for the fiscal year ending August 31, 1927, August 31, 1928, and August 31, 1929, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Wallace:

H. B. No. 354, A bill to be entitled "An Act making certain emergency ap-

propriations out of the general revenue of the State for the several institutions and departments of the State government, as named herein, for the balance of the fiscal year ending August 31, 1929, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Wallace:

H. B. No. 355, A bill to be entitled "An Act making appropriation to cover deficiencies in appropriations heretofore made for the support of the Judiciary Department of the State government of the State of Texas for the fiscal years ending August 31, 1925, 1926, 1927 and 1928, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Wallace:

H. B. No. 356, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State for the Judiciary Department of the State government, for the balance of the fiscal years ending August 31, 1927, 1928 and 1929; and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Keller:

H. B. No. 357, A bill to be entitled "An Act amending Article 1256 of Chapter 16 of the Penal Code of the 1925 Revised Statutes of the State of Texas, adding thereto that any killing of a person with a deadly weapon shall make a prima facie case of murder, with malice aforethought, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

COMMUNICATION FROM MR. ENDERBY.

The Speaker laid before the House and had read the following communication:

There are many interesting phases of the Constitution which must be passed over in order that we may consider, within the time and space allowed, the primary purpose of the fathers in framing this wonderful document.

The purposes as a whole are set forth in six clauses of the preamble, but it is only to the last that I shall refer, "to secure the blessings of liberty to ourselves and our posterity."

In considering this part of the founders' purpose we should never lose sight

of the fact that they drew a broad and vital distinction between liberty and license. They aimed at government without despotism and liberty without anarchy. Rational liberty is what they wanted—that liberty tempered by self-restraint. To them the despotism of democracy was no better than the despotism of an oligarchy. The tyranny of the majority was as much to be dreaded as the tyranny of a monarch. They aimed to protect the minority as well as the majority.

Accordingly, they set up for us not what sometimes is referred to as pure democracy, but, on the contrary, a responsible, representative government, designed to guarantee the greatest possible amount of individual liberty consistent with the interests of society.

Rights of Individuals Secured.

It should be known, first of all, that there are certain natural rights of the individual, such, for example, as those relating to life and liberty, trial by jury, religious freedom, the ownership of property, and many others—the heart and core of the Declaration of Independence itself, the recognized birth-right of every man since the days of Magna Charta.

These have been woven into the very fabric of the Constitution and held inviolate against all the powers of government.

Moreover, there is further protection of liberty guaranteed through an effective system of constitutional restraints, commonly known as checks and balances. These are designed to restrain the exercise of arbitrary or irresponsible authority; for instance, there is the division of government into the three well-known departments—"each being prohibited from exercising any authority held by the others."

Checks on Abuse of Power.

There is the difficulty of amending the Constitution, a matter which rests solely with sovereign people themselves. There is the fearless, dependent, Federal judiciary, itself a mighty guardian of liberty, headed by the Supreme Court, a body which Boyce says "is not to be deemed so much a third authority in the government as the living voice of the Constitution, the unfold of the mind of people, whose will stands expressed in that supreme instrument."

These are a few of the many constitutional checks against the abuse of

power, which, taken along with the actual incorporation into the Constitution itself of certain natural rights of the individual, constitute for us our rock of defense, the bulwark of safety for the liberty of every individual. Such was the primary aim of the founders of our Government.

It is nearly a century ago since Lord Macaulay, arguing against stability of republics, said: "As for America, we appeal to the twentieth century." In all the splendor of its achievement, the twentieth century is here—and the old Ship of State is proudly sailing on. The Constitution went into effect 141 years ago, during which time there has surely been enough to test its fiber. Since that time this country has passed through the fires of a civil war and established once for all the fact that this is a union of States, "one and inseparable." The thirteen States, with a population of three and one-half million people, have grown to forty-eight States with a population in excess of one hundred and twenty millions. In the world war we loaned the allies over ten billions of dollars, raised four million troops on this side, two million of whom went across in defense of liberty for all the nations of the world.

Constitution Broadened by Amendments.

Yet the Constitution, as it stands today, though it has been molded by judicial interpretation and broadened by usage and amendments to keep pace with the steps of the mighty growing nation, is the same Constitution in its sacred guarantee of individual liberty. This heritage of liberty, safeguarded and bequeathed in trust to us by the fathers by '87—what shall we of this generation do with it? The answer is clear: We must pass this priceless treasure on, unshackled and secure, to the next generation. The challenge is to you and to me and to everyone who loves this country and enjoys the "blessings of liberty" under the American flag. Soon after the Constitution was adopted, and before it went into effect, Washington, in a letter to Lafayette, wrote these significant words: "The Government can never be in danger of degenerating into a monarchy, an oligarchy, an aristocracy, or other despotic or oppressive form, so long as there shall remain any virtue in the body of the people." The words of Washington clearly point the way to the task before us. We must maintain virtue in the body of the people.

For one thing, we must face with courage, good temper and common sense the question touching the assimilation of the foreign element of our population. No doubt the laws should be better regulated and our efforts at assimilation more understood. To all those who would come from other lands to help us preserve the fundamentals of our government and make this a better country in which to live, we would extend the heartiest welcome; but we should never yield the right to be judge of standards. We would have the world to know that the mere coming to this country entails a solemn obligation, and it is ours to see that the obligation is met.

Again, we should further the popular means of increasing interest in, and reverence for, the Constitution of our country so that it will be revered, no longer as an abstraction, but as a vital thing understood and valued. Beginning in the home and public schools of the land, we should instill greater respect for law and order. Which is not blind acceptance of arbitrary control, but willing obedience to what is right and reasonable. We should educate the masses in the duties of good fellowship, in a better understanding of, and appreciation of, the spirit of the American Government in the broader meaning of patriotism, a stronger devotion to the flag and the glorious things for which it stands.

Let there be virtue in the body of the people, and we shall hand down to our posterity those blessings of liberty bought with the blood of patriots of old, and preserved by the fathers in the finest example of free government the world has ever known.

COMMUNICATION FROM HONORABLE W. P. HOBBY.

The Speaker laid before the House and had read the following communication:

Houston, Texas, January 19, 1929.
Hon. W. S. Barron, Speaker of the House, Austin Texas.

My Dear Friend: May I ask you to convey to the members of the House of Representatives my deep appreciation of their thoughtfulness and sympathy at the time of my sorrow?

Not only the act, but the beautiful form, of your tribute to my dear wife will always be a solace and a comfort to me.

Sincerely yours,
W. P. HOBBY.

COMMUNICATION FROM ALAMO MISSION CHAPTER OF THE DAUGHTERS OF THE REPUBLIC OF TEXAS.

The Speaker laid before the House and had read the following communication:

San Antonio, Texas, January 18, 1929.
Hon. Preston L. Anderson, House of Representatives, Austin, Texas.

Dear Sir: We wish to express our thanks and appreciation for your prompt and patriotic action in this early in the ensuing session of the Legislature initiating legislation upon the important matter of the State's acquisition of all property remaining in private ownership surrounding the historic Alamo in the block bounded by Alamo Plaza, Nacogdoches, Crockett and East Houston streets. We also gratefully recognize the support in this matter of the entire Bexar county representation, as well as the fact that seventy-seven other members of the House, by their signatures, witness their patriotic endorsement.

We are also acknowledging Senator W. A. Williamson's part in this important piece of legislation by a letter similar to this.

In any way that our organization (Alamo Mission Chapter, Daughters of the Republic of Texas) can assist in this matter, we hope you will call on us and it will be a proud moment for us if we can respond.

Thanking you very much, we beg to remain, your loyal fellow-citizens,
ALAMO COMMITTEE, ALAMO MISSION CHAPTER, DAUGHTERS OF THE REPUBLIC OF TEXAS.

Mrs. O. M. Farnsworth, President.
Anna Ellis, Secretary.

BILLS RE-REFERRED.

On motion of Mr. Kemble, House bill No. 183 was withdrawn from the Committee on Revenue and Taxation and referred to the Judiciary Committee.

On motion of Mr. Murphy, the following bills were withdrawn from the Committee on Highways and Motor Traffic and referred to the Committee on Revenue and Taxation: House bills Nos. 159, 136, 191 and 217.

RELATING TO SUPPLY OF WILD DUCKS.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 8, Relating to supply of wild ducks.

Whereas, It is believed there can be no serious controversy about the fact that the supply of wild ducks is becoming scarcer each year in the United States; and

Whereas, The present bag limit permitted by the Department of Agriculture is 25 ducks per day, 50 per week; and

Whereas, Twenty-seven of the forty-eight States have reduced the lawful bag limit within those States from the Federal limit of 25 per day by varying limits of from 20 to 10 per day in said various twenty-seven States; and

Whereas, A number of the other twenty-one States, as we are informed, are willing to reduce their bag limit and would gladly do so provided all of the States would make a reduction in their bag limits, but feel that so long as certain States along the coast maintain the 25 bag limit and have the greatest chance at killing and depleting the supply of ducks the other States should not deprive their hunters for the purpose of permitting this heavier killing in said coastal States; and

Whereas, There remain but some nine or ten States that in fact are holding out for the greater duck limit; therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the Secretary of Agriculture of the United States be requested to change the Federal bag limit on ducks from 25 per day, 50 per week, to 15 per day, 30 per week.

The resolution was read second time.

On motion of Mr. Purl, the resolution was referred to the Committee on Game and Fisheries.

PROVIDING FOR COMMITTEE TO INSPECT PENITENTIARY SYSTEM.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 7, Providing for committee to visit penitentiary.

Whereas, The State penitentiary system of Texas has been, and is now, a proposition that merits the best thought of this Legislature in attempting to solve the correct solution as to what should be done, if anything, with said penitentiary system; and

Whereas, A majority of both of the State Penitentiary Committees of the Senate and House have never had the

opportunity of making a personal inspection of the penitentiary system; therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the Penitentiary Committees of the Senate and House be, and are, authorized to make an inspection trip of the penitentiary system, and that said committee members' necessary expenses be paid for out of the contingent fund, as is provided by law, and that they be authorized to inspect said penitentiary system at the earliest possible time.

The resolution was read second time.

Mr. McGill offered the following amendment to the resolution:

Amend Senate concurrent resolution No. 7 by striking out of paragraph two "both of the State Penitentiary Committees of the Senate and House" and insert in lieu thereof "the members of the Senate and House," and by striking out of paragraph three "the Penitentiary Committee of the Senate and House" and insert in lieu thereof "the members of the Senate and House," and by striking out the word "committee" before the words "members' necessary expenses" in said paragraph.

Mr. Tillotson moved to table the amendment and the motion to table was lost.

Question then recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—72.

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| Ackerman. | Harper. |
| Adkins. | Harrison. |
| Albritton. | Hines. |
| Anderson. | Hogg. |
| Baker. | Holder. |
| Baldwin. | Hopkins. |
| Barnett. | Johnson of Smith. |
| Bateman. | Keeton. |
| Bradley. | Keller. |
| Brooks. | Kemble. |
| Conway. | Kennedy. |
| Cox of Navarro. | King. |
| Cox of Lamar. | Land. |
| Dunlap. | Lee. |
| Duvall. | Long of Wichita. |
| Enderby. | Mankin. |
| Ewing. | Martin. |
| Finlay. | Maynard. |
| Gates. | McCombs. |
| Gilbert. | McGill. |
| Giles. | Mehl. |
| Graves | Montgomery. |
| of Williamson. | Mullally. |
| Hardy. | Olsen. |
| Harman. | O'Neill. |

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| Patterson. | Stevenson. |
| Pavlica. | Tarwater. |
| Petsch. | Turner. |
| Pool. | Van Zandt. |
| Pope of Jones. | Warwick. |
| Reader. | Webb. |
| Reid. | White. |
| Richardson. | Wiggs. |
| Shelton. | Williams |
| Shipman. | of Sabine. |
| Simmons. | Williams |
| Speck. | of Travis. |

Nays—40.

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| Beck. | Metcalf. |
| Bond. | Moore. |
| Bounds. | Mosely. |
| Brice. | Murphy. |
| Carpenter. | Negley. |
| Chastain. | Prendergast. |
| Cox of Limestone. | Purl. |
| Davis. | Ray. |
| DeWolfe. | Rountree. |
| Forbes. | Sanders. |
| Gerron. | Savage. |
| Graves of Erath. | Sherrill. |
| Heaton. | Sinks. |
| Hubbard. | Snelgrove. |
| Jenkins. | Stephens. |
| Johnson | Veatch. |
| of Dimmit. | Walters. |
| Johnson of Scurry. | Westbrook. |
| Kincaid. | Williams |
| Kinnear. | of Hardin. |
| Long of Houston. | Woodall. |
| Loy. | |

Present—Not Voting.

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| Quinn. | Young. |
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Absent.

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| Avis. | Minor. |
| Coltrin. | Nicholson. |
| Eickenroht. | Palmer. |
| Finn. | Strong. |
| Fuchs. | Thompson. |
| Harding. | Thurmond. |
| Hefley. | Tillotson. |
| McDonald. | Wallace. |
| McKean. | |

Absent—Excused.

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| Acker. | Pope of Nueces. |
| Hornaday. | Renfro. |
| Jones. | Rogers. |
| Justiss. | Shaver. |
| Kayton. | Smith. |
| Kenyon. | Storey. |
| Lemens. | Waddell. |
| Mauritz. | Woodruff. |
| Morse. | |

Mr. Purl moved the previous question on the pending resolution, and the main question was ordered.

Question recurring on the resolution, it was lost.

Mr. Williams of Travis moved to reconsider the vote by which the resolution was lost, and to table the motion to reconsider.

The motion to table prevailed.

RELATING TO INVESTIGATION OF INDEPENDENT OIL PRODUCERS.

Mr. Harding offered a resolution relating to certain investigations concerning oil production.

On motion of Mr. Harding, the resolution was referred to the Committee on Federal Relations.

On motion of Mr. Purl, the resolution was ordered not printed in the Journal at this time.

RELATING TO AUDITING CERTAIN PUBLIC ACCOUNTS.

Mr. Beck offered the following resolution:

Whereas, The undersigned members of the committee appointed by the House to examine the accounts of the State Comptroller and the State Treasurer are charged by the rules of this House with the duty of preparing and submitting to it reports of the conditions of the accounts kept by each of the said officers; and

Whereas, A casual examination already made reflects the fact that due to the provisions of the law both the Treasury Department and the Comptroller's Department are forced to keep their records and accounts in a way that is not in accordance with modern accounting practice, and that the highest salary authorized by law among the men charged with such accounting and auditing as is done in the Comptroller's Department is \$2700 per year, and that the lack of employees makes it impossible to organize an adequate auditing force to check up upon the receipts, disbursements and funds of the various departments, boards, commissions and other appendages of the State Government; and

Whereas, We realize that the task imposed on us by the rules of the House is impossible to perform within the time allowed for this session of the Legislature; and

Whereas, The task is one that could only be accomplished by individuals specially trained in the profession of accounting and auditing; and

Whereas, As individual members of the committee charged with this duty,

we shall hesitate to sign any report stating that we have audited or could audit these accounts, which we have every reason to believe have been honestly handled according to the laws governing these two departments, so as to reflect their true condition; therefore, be it

Resolved, by the House of Representatives, That the said committee be authorized to employ ten (10) senior certified public accountants and twenty (20) junior certified public accountants for a period not exceeding two years, and at a rate of pay not exceeding that which is customary to pay such employees, namely, \$35 per day for senior accountants and \$20 per day for junior accountants, to assist it in its audit; and further, that it be authorized to employ such stenographers and clerks to assist the said accountants as in its opinion may be necessary, not to exceed twenty-five (25) at any one time, and to purchase such adding machines, comptometers, stationery and other modern accounting devices as may be necessary, all of said salaries and other expenses to be paid out of the contingent expense fund.

Signed—Beck, McCombs, Speck, Kemble, Baldwin, Kinnear, Duvall.

The resolution was read second time.

Mr. Wallace raised the point of order, on consideration of the resolution, that money may not be appropriated nor positions created by a privilege resolution.

The Speaker sustained the point of order.

PROVIDING FOR ADDRESS BY HON. MURRAY HULBERT.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 9, Inviting Hon. Murray Hulbert to address the House.

Whereas, The Honorable Murray Hulbert, the grand exalted ruler of the Benevolent and Protective Order of Elks, will be in Austin on January 29, 1929, upon an official visit to the local Elks lodge; and

Whereas, Mr. Hulbert is a former Democratic member of Congress, and the present head of the American Athletic Association, having presided at the Olympic games in Holland last summer, and is recognized as one of the outstanding citizens of America, as well as the head of a great fraternal order; therefore, be it

Resolved, by the Senate and the House

of Representatives of the State of Texas, That Mr. Hulbert be invited to address the Senate and the House, in joint session assembled at 11 o'clock a. m. Tuesday, January 29, 1929.

The resolution was read second time and was adopted.

RELATING TO INVESTIGATION OF THE GENERAL LAND OFFICE.

On motion of Mr. Petsch, the following resolution was ordered printed in the Journal:

Whereas, The administration of the affairs of the General Land Office in an honest and efficient manner is of supreme importance to the people of Texas; and

Whereas, The resolution known as House concurrent resolution No. 4, now pending before this House as unfinished business, on a minority report, did not contain any specific allegations concerning alleged irregularities of the General Land Office, for the reason that at the time of the writing of said resolution no such irregularities were specifically known to the authors of said resolution, and because the authors of same had no desire to reflect unjustly upon the Land Commissioner; and

Whereas, Since the introduction of said resolution the authors of same have become informed, and now allege as a fact, that since and prior to the passage of the general leasing law concerning the public lands of this State, the present Commissioner of the General Land Office has not only recommended, but virtually dictated, the policies of this State concerning public lands, their marketing and their leasing for all purposes; and

Whereas, The Commissioner of the General Land Office contended that his acts in attempting to lease approximately fifty thousand (50,000) acres of land contrary to the wishes of the Board of Regents of the University of Texas, the written opinion of the Attorney General of this State, and the wishes of the Governor, was because of the Commissioner's desire and recognition of his obligation to obey the laws of this State pertaining to public lands, as written by himself, and as interpreted by the Supreme Court of Texas; and

Whereas, It is of interest to the members of this Legislature, having the public land problems under consideration, in connection with the Commissioner's announced declaration of his desire and practice to strictly comply

with the laws of this State, to have their attention called to some of the Commissioner's acts apparently contrary to the laws of this State concerning the protection of its public lands; and

Whereas, Authors of this resolution, in the very brief and limited time at their disposal, have discovered that the Land Commissioner of this State has apparently heretofore violated the law in the following instances, to-wit:

(1) Generally in issuing leases based upon the right to prospect for minerals on all of the 431,360 acres situated in the counties of Reagan, Crockett and Irion;

(2) By the issuance of a lease to Texon Oil and Land Company covering approximately sixteen (16) sections of land, known as said company's group No. One (1), when the well of said company was finished approximately seven months and fourteen days short of the time required by law, and rights to prospect for minerals on said land had thereby been expired for said period of time;

(3) By the issuance of a lease for approximately the same number of acres of land in behalf of said company, based on the completion of an oil well, on the 28th day of May, 1923, when said well was completed approximately ten months and twenty days after the expiration of the right to prospect for minerals could be transformed into a lease;

(4) By failing to forfeit the right to prospect for oil issued to group 2 of said Texon Oil and Land Company, when said company had entirely failed to complete a "producing well" on its group No. 2 holdings within the time required by law;

(5) By converting the mineral permits owned by the Big Lake Oil Company into leases in two instances covering sixteen (16) sections of land each, when the wells required to be drilled in order to so secure said leases were respectively in one instance twenty-two days short of the required completion time, and in the other one month and twenty-two days short of said time, in failing to require said company to engage in development work generally within the time required by law, and by failing to require any affidavits from said Big Lake Oil Company pertaining to development work on these operating permits as required by law; and by issuing a lease in lieu of the right of said company to prospect for oil twenty (20) days before the completion of a

well upon one of its sixteen section holdings;

(6) By issuing a patent to the assignees of one T. J. Hendrick, covering twelve hundred eighty (1280) acres in Winkler county, being sections thirty-four (34) and forty (40) of block B-5, directly contrary to the advice of the Attorney General and in violation of the provisions of the re-appraisement act, and thereby depriving the State of Texas of mineral rights of the probable value of millions of dollars;

(7) By issuing a patent to two hundred thirty-three (233) acres of land as "scrap land" to Ira G. Yates, a wealthy oil man of Texas, without competitive bid, at a nominal consideration, when as a matter of fact said 233 acres was a part of Section 102 located in Pecos county, was "surveyed land," the property of the public free schools of this State, and the law required that said land be sold by competitive bidding, thereby as in the aforesaid other instances depriving the public free school funds of millions of dollars;

(8) By opening the bids, or some of the bids, on or about the second day of January, 1929, made on the lands which were not to be sold under the notice of the Land Commissioner until January 22nd, so as to deprive the Forty-first Legislature of the right and the power to amend the laws of this State concerning the safe sale of its public lands and with the deliberate purpose, "as stated by the Land Commissioner," of enabling the bidders on said lands to compel the Commissioner of the General Land Office by mandamus to issue a lease in favor of said bidders, when said Commissioner had no assurance, by virtue of not knowing what the bid was, that said bid was fair and reasonable, and thereby deliberately subjecting the public free school lands of this State to the possibility of great financial loss; and all of which was directly contrary to the Commissioner's policy as announced to the Attorney General—apparently only so announced that the latter would not institute injunction proceedings as to the sale of the 100,000 acres of land;

(9) By having wholly failed to make any character of report as to the moneys received by the Land Commissioner from the fees prescribed by law, under the re-appraisement act, and which are reliably reported to have been in excess of \$25,000, by depositing said fees and moneys in an Austin bank as a checking account of the Commissioner, by keeping said moneys or a part thereof in his

possession, notwithstanding that said moneys were and constituted a public fund, and that the law required the part remaining in the hands of the Commissioner, after the payment of the reappraisement expenses, be returned pro rata to the parties remitting said fees; by withholding from the Governor and the citizens of the State a detailed statement showing, first, the amounts of money received by said Commissioner, names and addresses of the persons remitting same, and secondly, a certified statement showing the date, amount and the names in whose favor all checks drawn on the aforesaid account were issued and paid, together with the original checks covering said matters, and giving the present amount of said funds and its location—all in violation of law; and

Whereas, The aforesaid acts are wholly inconsistent with the announced "law obeying conscience and policy" of the Land Commissioner, as a result of which he has not only acted contrary to the advice of the Governor of Texas, the Attorney General of Texas, and Board of Regents of the University of Texas, but in addition thereto has accused said officers of being in conspiracy with the major oil companies of Texas; and

Whereas, Charges have been circulated in Austin to the effect that the Commissioner, during the last several years, has received gifts in various sums of money and otherwise from people interested in the purchase of mineral rights of the public lands, and further that such person did, during the last election, spend large sums of money in behalf of the re-election of the Commissioner; and

Whereas, The hereinbefore mentioned acts of the Commissioner are strongly indicative of a policy calculated to serve the interests of private corporations and individuals rather than those interested in the public lands of this State for the benefit of the school children, and the aforesaid charges reflect upon the Commissioner; and

Whereas, The Legislature of Texas is now in session and is sadly in need of advice and information concerning the manner and means in which the interests of the public schools and the University of Texas can be subserved; and

Whereas, The aforesaid acts of the Land Commissioner at least seriously reflect upon his efficiency as an officer of the State of Texas and interfere with an efficient operation of his department hereafter, unless by means of investi-

gation of the affairs of said department, under oath, the record of said Land Commissioner will be cleared of all suspicion; now, therefore, be it

Resolved, by the House of Representatives, First: That an investigation be ordered, the subject of which shall be to establish the true facts concerning the aforesaid and other charges against the Land Commissioner and the operations of the General Land Office to accomplish the following purposes:

(1) To clear the record of the Commissioner of the reflections cast by the aforesaid charges, if the same are unfounded;

(2) To acquaint the members of the Legislature with the public land problems in order that such legislation as may be necessary may be expedited;

(3) To enable the Legislature to intelligently take such action as may be deemed necessary and proper in the event any irregularities are found to exist in the administration of the Land Commissioner.

Second: And be it further resolved, (1) That a committee of five members of the House be appointed by the Speaker of the House to make said investigation; to investigate all matters, patents, leases and sales of the public domain of this State, heretofore made or attempted to be made, pertaining to said General Land Office, and generally to investigate each and every act of the Commissioner of the General Land Office, and to investigate all matters pertaining to said office as may in the judgment of said committee be necessary and proper for the promotion of the public welfare.

(2) That said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours for meeting and adjourning; said committee shall sit in the Capitol at Austin during its sessions, and sessions of said committee shall be open to the public, except at such times as the committee, by a majority vote, may determine to hold an executive session. The chairman of said committee shall be elected by a majority vote of the members of said committee, and the committee shall appoint its own secretary and employes, and its sergeant-at-arms.

(3) That the committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said committee shall have power to issue attachments, which

may be addressed to and served by either the sergeant-at-arms appointed by said committee or any sheriff or any constable of this State. Said committee shall have power to inspect and make copies of any books, records or files of the General Land Office, or the Commissioner thereof, or any employee or appointee under investigation by said committee, and of any county or political subdivision of the State, and shall also have power to examine and audit the books of any person, firm or corporation having dealings with the General Land Office, the Commissioner thereof, or any employee or appointee of said office. The committee shall have power to administer oath and affirmations and fix the bonds of attached witnesses; and the committee shall further have all powers necessary in order to accomplish the purposes for which it is appointed.

(4) The witnesses attending said committee under process shall be allowed the same mileage and per diem as is allowed witnesses in the trial of criminal cases in the district court.

(5) Said committee shall have power and authority to employ and compensate all necessary experts, investigators, stenographers, clerks, auditors and all other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigations.

(6) That said committee may call upon the Attorney General's Department for assistance and advice, and it shall be the duty of the Attorney General's Department to render opinions, give counsel and assistance to said committee upon the request of the chairman or members of said committee.

(7) That said committee shall begin and complete its investigation at the earliest practicable moment and shall submit a report in writing to the Forty-first Legislature. The compensation and expenses herein provided for incident to such investigation shall be paid out of the appropriation for mileage and per diem and contingent expenses of the Regular Session of the Forty-first Legislature, upon sworn account of the persons entitled to such pay, when approved by the chairman of said committee, and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said Regular Session of the Forty-first Legislature to meet the payment of such per diem and expenses of the members of said committee, witnesses, fees and other expenses incident to said investigation.

(8) Said committee may include in its report its recommendation of any legislation that should be enacted or other action that should be taken.

(Mr. McGill in the chair.)

HOUSE BILL NO. 18 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 18, A bill to be entitled "An Act creating the office of criminal district attorney in those counties which constitute three or more separate judicial districts within themselves in which there is not now a district attorney; providing that the present county attorney in those counties who performs the duties of county and district attorney, shall qualify as criminal district attorney, remain in office and take the oath and give the bond required of district attorneys by the Constitution and laws of Texas, organize their forces and continue the work as criminal district attorney until their successors are elected and qualified."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 18 ON THIRD READING.

Mr. Harman moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 18 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111.

| | |
|-------------------|------------------|
| Ackerman. | Davis. |
| Adkins. | DeWolfe. |
| Albritton. | Dunlap. |
| Anderson. | Duvall. |
| Avis. | Enderby. |
| Baker. | Finn. |
| Baldwin. | Finlay. |
| Barnett. | Forbes. |
| Bateman. | Gilbert. |
| Beck. | Giles. |
| Bond. | Graves |
| Bounds. | of Williamson. |
| Bradley. | Graves of Erath. |
| Brooks. | Hardy. |
| Carpenter. | Harding. |
| Chastain. | Harman. |
| Coltrin. | Harper. |
| Conway. | Harrison. |
| Cox of Navarro. | Heaton. |
| Cox of Lamar. | Hogg. |
| Cox of Limestone. | Holder. |

| | |
|--------------------|-------------|
| Hubbard. | Purl. |
| Johnson | Quinn. |
| of Dimmit. | Ray. |
| Johnson of Smith. | Reader. |
| Johnson of Scurry. | Reid. |
| Keeton. | Richardson. |
| Keller. | Rountree. |
| Kemble. | Sanders. |
| Kennedy. | Savage. |
| Kincaid. | Shelton. |
| King. | Sherrill. |
| Land. | Shipman. |
| Lee. | Simmons. |
| Lemens. | Sinks. |
| Long of Houston. | Speck. |
| Long of Wichita. | Stephens. |
| Loy. | Stevenson. |
| Mankin. | Tarwater. |
| Martin. | Thompson. |
| McCombs. | Tillotson. |
| McDonald. | Turner. |
| McGill. | Van Zandt. |
| Mehl. | Veatch. |
| Montgomery. | Wallace. |
| Moore. | Walters. |
| Mosely. | Warwick. |
| Mullally. | Webb. |
| Murphy. | Westbrook. |
| Negley. | White. |
| Olsen. | Wiggs. |
| O'Neill. | Williams |
| Palmer. | of Sabine. |
| Patterson. | Williams |
| Pavlica. | of Hardin. |
| Pool. | Woodall. |
| Pope of Jones. | Young. |
| Prendergast. | |

Nays—1.

Snelgrove.

Present—Not Voting.

Brice.

Absent.

| | |
|-------------|------------|
| Ewing. | Maynard. |
| Eickenroht. | McKean. |
| Fuchs. | Metcalfe. |
| Gates. | Minor. |
| Gerron. | Nicholson. |
| Hefley. | Petsch. |
| Hines. | Strong. |
| Hopkins. | Thurmond. |
| Jenkins. | Williams |
| Kinnear. | of Travis. |

Absent—Excused.

| | |
|-----------|-----------------|
| Acker. | Pope of Nueces. |
| Hornaday. | Renfro. |
| Jones. | Rogers. |
| Justiss. | Shaver. |
| Kayton. | Smith. |
| Kenyon. | Storey. |
| Mauritz. | Waddell. |
| Morse. | Woodruff. |

The Speaker then laid House bill No. 18 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—105.

| | |
|--------------------|----------------|
| Ackerman. | Mankin. |
| Adkins. | Martin. |
| Albritton. | McCombs. |
| Anderson. | McDonald. |
| Baker. | McGill. |
| Baldwin. | Mehl. |
| Barnett. | Montgomery. |
| Bateman. | Moore. |
| Beck. | Mosely. |
| Bond. | Mullally. |
| Bounds. | Murphy. |
| Bradley. | Negley. |
| Brooks. | Olsen. |
| Carpenter. | O'Neill. |
| Chastain. | Palmer. |
| Coltrin. | Patterson. |
| Conway. | Pavlica. |
| Cox of Lamar. | Pool. |
| Cox of Limestone. | Pope of Jones. |
| Davis. | Purl. |
| DeWolfe. | Quinn. |
| Dunlap. | Ray. |
| Enderby. | Reader. |
| Ewing. | Reid. |
| Eickenroht. | Richardson. |
| Finn. | Rountree. |
| Finlay. | Savage. |
| Forbes. | Shelton. |
| Gilbert. | Shipman. |
| Giles. | Simmons. |
| Graves of Erath. | Sinks. |
| Hardy. | Speck. |
| Harman. | Stephens. |
| Harper. | Stevenson. |
| Harrison. | Tarwater. |
| Heaton. | Thompson. |
| Hogg. | Turner. |
| Holder. | Van Zandt. |
| Johnson | Veatch. |
| of Dimmit. | Wallace. |
| Johnson of Smith. | Walters. |
| Johnson of Scurry. | Warwick. |
| Keeton. | Webb. |
| Keller. | Westbrook. |
| Kemble. | White. |
| Kennedy. | Wiggs. |
| Kincaid. | Williams |
| Kinnear. | of Sabine. |
| Land. | Williams |
| Lee. | of Hardin. |
| Lemens. | Williams |
| Long of Houston. | of Travis. |
| Long of Wichita. | Woodall. |
| Loy. | Young. |

Present—Not Voting.

| | |
|--------|------------|
| Brice. | Sherrill. |
| Hines. | Snelgrove. |

Absent.

| | |
|-----------------|-------------|
| Avis. | King. |
| Cox of Navarro. | Maynard. |
| Duwall. | McKean. |
| Fuchs. | Metcalfe. |
| Gates. | Minor. |
| Gerron. | Nicholson. |
| Graves | Petsch. |
| of Williamson. | Prendergast |
| Harding. | Sanders. |
| Hefley. | Strong. |
| Hopkins. | Thurmond. |
| Hubbard. | Tillotson. |
| Jenkins. | |

Absent—Excused.

| | |
|-----------|-----------------|
| Acker. | Pope of Nueces. |
| Hornaday. | Renfro. |
| Jones. | Rogers. |
| Justiss. | Shaver. |
| Kayton. | Smith. |
| Kenyon. | Storey. |
| Mauritz. | Waddell. |
| Morse. | Woodruff. |

HOUSE BILL NO. 44 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 44, A bill to be entitled "An Act to amend subdivision 32 of Article 199 of Title 8 of the Revised Statutes of the State of Texas, 1925, to change and prescribe the time for holding district courts of the Thirty-second Judicial District of the State, composed of Nolan, Scurry, Mitchell, Howard and Borden counties, giving additional time to Howard county, and to conform all writs and process from such courts to such changes and to make all writs and process issued or served before this act takes effect, including recognizances and bonds returnable to the term of the court in the several counties in said district as therein fixed, and to validate the summoning of grand juries and petit juries and providing for the continuation of courts in session in said district when this act takes effect, to the end of its term; provided, that no grand jury shall be drawn for the two weeks' term of court to be held in Nolan county on the 24th Monday after the first Monday in January unless the judge of said court in his discretion shall order same; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Mr. Metcalfe offered the following committee amendment to the bill:

Amend by striking out all above and below the enacting clause and insert in lieu thereof the following:

A bill to be entitled "An Act to amend subdivision 32 of Article 199 of Title 8 of the Revised Statutes of the State of Texas, 1925, to change and prescribe the terms and time for holding district courts of the Thirty-second Judicial District of the State, composed of Nolan, Scurry, Mitchell, Howard and Borden counties, giving additional time to Howard county, and to conform all writs and process from such courts to such changes and to make all writs and process issued or served before this act takes effect, including recognizances and bonds returnable to the term of the court in the several counties in said district as therein fixed and to validate the summoning of grand juries and petit juries and providing for the continuation of courts in session in said district when this act takes effect, to the end of its term; provided, that no grand jury shall be drawn for the two weeks' term of court to be held in Nolan county on the 24th Monday after the first Monday in January unless the judge of said court, in his discretion, shall order same; repealing all laws and parts of laws in conflict herewith, providing in case any provision of this act shall be held unconstitutional or invalid, then such holding shall not affect the remaining provision, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. The Thirty-second Judicial District of Texas shall be composed of the counties of Nolan, Scurry, Mitchell, Howard and Borden, and the terms of the district court shall be held therein each year as follows:

In the county of Nolan on the first Monday in January of each year and may continue in session four weeks; on the thirteenth Monday after the first Monday in January of each year and may continue in session four weeks; on the twenty-fourth Monday after the first Monday in January of each year and may continue in session two weeks; on the third Monday after the first Monday in September of each year and may continue in session four weeks.

In the county of Howard on the fourth Monday after the first Monday in January of each year and may continue in session three weeks; on the seventeenth Monday after the first Monday in January of each year and may

continue in session three weeks; on the first Monday in September of each year and may continue in session three weeks; on the thirteenth Monday after the first Monday in September of each year and may continue in session three weeks.

In the county of Mitchell on the seventh Monday after the first Monday in January of each year and may continue in session three weeks; on the twentieth Monday after the first Monday in January of each year and may continue in session three weeks; on the seventh Monday after the first Monday in September of each year and may continue in session three weeks.

In the county of Scurry on the tenth Monday after the first Monday in January of each year and may continue in session three weeks; on the twenty-sixth Monday after the first Monday in January of each year and may continue in session three weeks; on the tenth Monday after the first Monday in September of each year and may continue in session three weeks.

In the county of Borden on the twenty-third Monday after the first Monday in January of each year and may continue in session one week; on the sixteenth Monday after the first Monday in September and may continue in session one week.

Sec. 2. That all writs and process heretofore issued out of the district courts of said respective counties and returnable to the term of court in said counties, according to existing laws, are hereby made returnable to the district courts of said respective counties as said terms are fixed by this act; and all bonds and recognizances entered in said courts shall bind the parties for their appearances or to fulfill the obligation of said bonds and recognizances at the terms of said courts as they are fixed by this act; and all process heretofore returned, as well as all bonds and recognizances heretofore taken in the district courts of said respective counties, shall be as valid as though no change were made in the time of holding courts therein; and all grand juries and petit juries drawn and selected under existing laws of any of the counties of said judicial district are hereby declared lawfully drawn and selected for the first term of the district court of said respective counties held in conformity with this act.

Sec. 3. Should any district court of the Thirty-second Judicial District be

in session in any of the counties of said district under existing laws when this act takes effect, such court shall continue and end its term under existing law as if no change in the time of holding court in said district had been made, and all process, writs, judgments, decrees and other proceedings in said court during such time shall be valid to all intents and purposes and shall not be affected by the changes in the time of holding courts therein made by this act; after the period provided in the above contingency the district courts of said respective counties herein mentioned shall be held in conformity with the terms as herein prescribed.

Sec. 4. There shall be no grand jury drawn for the two weeks' term of court in Nolan county convening on the twenty-fourth Monday after the first Monday in January of each year, except such as the judge of said court may in his discretion from time to time order.

Sec. 5. All laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Sec. 6. If any section, paragraph or provision of this act be held or declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs or provisions of this act, but the same shall remain in full force and effect.

Sec. 7. The fact that the dockets of district courts of said Thirty-second Judicial District are crowded, and the fact that the business of said courts has greatly increased, particularly in Howard county, where there is unusual oil development, and the fact that the terms of court and the time of the terms is insufficient for the proper disposition of business, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the said rule is hereby suspended, and that this act take effect from and after its passage, and it is so enacted.

Mr. Metcalfe offered the following amendment to the committee amendment:

Amend caption by changing word "therein" to "herein" on line 13.

The amendment was adopted.

The committee amendment as amended was adopted.

House bill No. 44 was then passed to engrossment.

HOUSE BILL NO. 44 ON THIRD
READING.

Mr. Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 44 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100.

| | |
|--------------------|----------------|
| Ackerman. | Maynard. |
| Adkins. | McCombs. |
| Albritton. | McGill. |
| Anderson. | Mehl. |
| Avis. | Metcalfe. |
| Baker. | Moore. |
| Barnett. | Mosely. |
| Bateman. | Mullally. |
| Beck. | Murphy. |
| Bond. | Negley. |
| Bradley. | Olsen. |
| Brice. | O'Neill. |
| Carpenter. | Palmer. |
| Chastain. | Patterson. |
| Coltrin. | Pavlica. |
| Conway. | Pool. |
| Cox of Navarro. | Pope of Jones. |
| Cox of Lamar. | Prendergast. |
| DeWolfe. | Purl. |
| Duvall. | Quinn. |
| Enderby. | Ray. |
| Ewing. | Reader. |
| Eickenroht. | Reid. |
| Finn. | Richardson. |
| Finlay. | Rountree. |
| Forbes. | Sanders. |
| Graves | Savage. |
| of Williamson. | Shelton. |
| Graves of Erath. | Sherrill. |
| Hardy. | Shipman. |
| Harding. | Simmons. |
| Harman. | Sinks. |
| Harper. | Speck. |
| Heaton. | Stephens. |
| Hines. | Stevenson. |
| Johnson | Tarwater. |
| of Dimmit. | Thompson. |
| Johnson of Smith. | Turner. |
| Johnson of Scurry. | Van Zandt. |
| Keeton. | Veatch. |
| Keller. | Wallace. |
| Kennedy. | Walters. |
| Kincaid. | Warwick. |
| Kinnear. | Webb. |
| Land. | Westbrook. |
| Lee. | Wiggs. |
| Lemens. | Williams |
| Long of Houston. | of Sabine. |
| Long of Wichita. | Williams |
| Loy. | of Travis. |
| Mankin. | Woodall. |
| Martin. | Young. |

Present—Not Voting.

Baldwin. Harrison.

Absent.

| | |
|-------------------|-------------|
| Bounds. | Kemble. |
| Brooks. | King. |
| Cox of Limestone. | McDonald. |
| Davis. | McKean. |
| Dunlap. | Minor. |
| Fuchs. | Montgomery. |
| Gates. | Nicholson. |
| Gerron. | Petsch. |
| Gilbert. | Snelgrove. |
| Giles. | Strong. |
| Hefley. | Thurmond. |
| Hogg. | Tillotson. |
| Holder. | White. |
| Hopkins. | Williams |
| Hubbard. | of Hardin. |
| Jenkins. | |

Absent—Excused.

| | |
|-----------|-----------------|
| Acker. | Pope of Nueces. |
| Hornaday. | Renfro. |
| Jones. | Rogers. |
| Justiss. | Shaver. |
| Kayton. | Smith. |
| Kenyon. | Storey. |
| Mauritz. | Waddell. |
| Morse. | Woodruff. |

The Speaker then laid House bill No. 44 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—104.

| | |
|-------------------|--------------------|
| Ackerman. | Graves |
| Adkins. | of Williamson. |
| Albritton. | Graves of Erath. |
| Anderson. | Hardy. |
| Avis. | Harding. |
| Baker. | Harman. |
| Barnett. | Harper. |
| Bateman. | Heaton. |
| Beck. | Hines. |
| Bond. | Hogg. |
| Bradley. | Johnson |
| Brice. | of Dimmit. |
| Brooks. | Johnson of Smith. |
| Carpenter. | Johnson of Scurry. |
| Chastain. | Keeton. |
| Coltrin. | Keller. |
| Conway. | Kennedy. |
| Cox of Navarro. | Kincaid. |
| Cox of Lamar. | Kinnear. |
| Cox of Limestone. | Land. |
| DeWolfe. | Lee. |
| Duvall. | Lemens. |
| Enderby. | Long of Houston. |
| Ewing. | Long of Wichita. |
| Eickenroht. | Loy. |
| Finn. | Mankin. |
| Finlay. | Maynard. |
| Forbes. | McCombs. |
| Gilbert. | Mehl. |

| | |
|----------------|------------|
| Metcalf. | Shipman. |
| Montgomery. | Simmons. |
| Moore. | Sinks. |
| Mosely. | Speck. |
| Murphy. | Stephens. |
| Negley. | Stevenson. |
| Olsen. | Tarwater. |
| O'Neill. | Thompson. |
| Palmer. | Tillotson. |
| Patterson. | Turner. |
| Pavlica. | Van Zandt. |
| Pool. | Veatch. |
| Pope of Jones. | Wallace. |
| Prendergast. | Walters. |
| Purl. | Warwick. |
| Quinn. | Webb. |
| Ray. | Westbrook. |
| Reader. | Wiggs. |
| Reid. | Williams |
| Richardson. | of Sabine. |
| Rountree. | Williams |
| Sanders. | of Travis. |
| Savage. | Woodall. |
| Sherrill. | Young. |

Absent.

| | |
|-----------|------------|
| Baldwin. | Martin. |
| Bounds. | McDonald. |
| Davis. | McGill. |
| Dunlap. | McKean. |
| Fuchs. | Minor. |
| Gates. | Mullally. |
| Gerron. | Nicholson. |
| Giles. | Petsch. |
| Harrison. | Shelton. |
| Hefley. | Snelgrove. |
| Holder. | Strong. |
| Hopkins. | Thurmond. |
| Hubbard. | White. |
| Jenkins. | Williams |
| Kemble. | of Hardin. |
| King. | |

Absent—Excused.

| | |
|-----------|-----------------|
| Acker. | Pope of Nueces. |
| Hornaday. | Renfro. |
| Jones. | Rogers. |
| Justiss. | Shaver. |
| Kayton. | Smith. |
| Kenyon. | Storey. |
| Mauritz. | Waddell. |
| Morse. | Woodruff. |

HOUSE BILL NO. 46 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 46, A bill to be entitled "An Act amending Article 3386 of the Revised Statutes of 1925, as amended, 1927, providing for the amount of bonds of executors and administrators, and amending Article 3392 of the Revised Statutes of 1925, requiring new bond."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 46 ON THIRD
READING.

Mr. Savage moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 46 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—104.

| | |
|--------------------|----------------|
| Ackerman. | Loy. |
| Adkins. | Mankin. |
| Anderson. | Maynard. |
| Avis. | McCombs. |
| Baker. | McDonald. |
| Barnett. | McGill. |
| Bateman. | Mehl. |
| Beck. | Metcalf. |
| Bond. | Montgomery. |
| Bounds. | Moore. |
| Bradley. | Mosely. |
| Brice. | Murphy. |
| Brooks. | Nicholson. |
| Carpenter. | Olsen. |
| Chastain. | Palmer. |
| Coltrin. | Patterson. |
| Conway. | Pavlica. |
| Cox of Navarro. | Pool. |
| Cox of Lamar. | Pope of Jones. |
| Davis. | Prendergast. |
| DeWolfe. | Purl. |
| Duvall. | Ray. |
| Enderby. | Reader. |
| Ewing. | Reid. |
| Finn. | Richardson. |
| Finlay. | Rountree. |
| Forbes. | Sanders. |
| Gerron. | Savage. |
| Gilbert. | Shelton. |
| Giles. | Sherrill. |
| Graves of Erath. | Shipman. |
| Hardy. | Simmons. |
| Harding. | Sinks. |
| Harman. | Snelgrove. |
| Harper. | Speck. |
| Heaton. | Stephens. |
| Hines. | Stevenson. |
| Holder. | Tarwater. |
| Hopkins. | Thompson. |
| Jenkins. | Tillotson. |
| Johnson | Turner. |
| of Dimmit. | Van Zandt. |
| Johnson of Smith. | Veatch. |
| Johnson of Scurry. | Wallace. |
| Keeton. | Walters. |
| Keller. | Warwick. |
| Kincaid. | Webb. |
| Kinnear. | White. |
| Land. | Wiggs. |
| Lee. | Williams |
| Lemens. | of Sabine. |
| Long of Houston. | |

Williams
of Hardin.
Williams
of Travis.

Woodall.
Young.

Nays—3.

Albritton.
Harrison.

Kennedy.

Present—Not Voting.

Westbrook.

Absent.

| | |
|-------------------|------------------|
| Baldwin. | King. |
| Cox of Limestone. | Long of Wichita. |
| Dunlap. | Martin. |
| Eickenroht. | McKean. |
| Fuchs. | Minor. |
| Gates. | Mullally. |
| Graves | Negley. |
| of Williamson. | O'Neill. |
| Hefley. | Petsch. |
| Hogg. | Quinn. |
| Hubbard. | Strong. |
| Kemble. | Thurmond. |

Absent—Excused.

| | |
|-----------|-----------------|
| Acker. | Pope of Nueces. |
| Hornaday. | Renfro. |
| Jones. | Rogers. |
| Justiss. | Shaver. |
| Kayton. | Smith. |
| Kenyon. | Storey. |
| Mauritz. | Waddell. |
| Morse. | Woodruff. |

The Speaker then laid House bill No. 46 before the House on its third reading and final passage.

The bill was read third time.
(Speaker in the chair.)

Mr. Savage offered the following (committee) amendments to the bill:

Amend House bill No. 46 by striking out Section 2 and substituting in lieu thereof the following:

"Sec. 2. That Article 3576 of the Revised Civil Statutes of Texas, 1925, be amended so as to read as follows:

"Article 3576 (3501), (2134), (2080).
Order of Court.—Whenever any property of an estate is ordered to be sold by the county judge, such order shall be entered on the minutes of the court, shall describe the property to be sold, the time and place of sale, and the terms of said sale, and shall require the executor or administrator to file a good and sufficient bond, subject to the approval of the court, in an amount equal to twice the amount for which such real estate is sold."

Amend House bill No. 46 by striking out of the caption the following: "and

amending Article 3392 of the Revised Statutes of 1925, requiring new bond," and inserting in lieu thereof the following: "and amending Article 3576 of the Revised Civil Statutes of Texas of 1925, so as to require executors and administrators to give bond when selling real estate belonging to the estate of decedents, and declaring an emergency."

The amendments were severally adopted.

House bill No. 46 was then passed by the following vote:

Yeas—108.

| | |
|--------------------|------------------|
| Ackerman. | Kinnear. |
| Adkins. | Land. |
| Albritton. | Lee. |
| Anderson. | Lemens. |
| Avis. | Long of Wichita. |
| Baker. | Loy. |
| Barnett. | Martin. |
| Bateman. | Maynard. |
| Beck. | McCombs. |
| Bond. | McDonald. |
| Bounds. | McGill. |
| Bradley. | Mehl. |
| Brooks. | Metcalf. |
| Carpenter. | Montgomery. |
| Chastain. | Moore. |
| Conway. | Mosely. |
| Cox of Navarro. | Murphy. |
| Cox of Lamar. | Negley. |
| Cox of Limestone. | Olsen. |
| Davis. | Pavlica. |
| DeWolfe. | Pool. |
| Dunlap. | Pope of Jones. |
| Duvall. | Prendergast. |
| Enderby. | Purl. |
| Ewing. | Ray. |
| Eickenroht. | Reader. |
| Finn. | Richardson. |
| Finlay. | Rountree. |
| Forbes. | Sanders. |
| Gilbert. | Savage. |
| Giles. | Shelton. |
| Graves | Sherrill. |
| of Williamson. | Shipman. |
| Graves of Erath. | Simmons. |
| Harper. | Sinks. |
| Harrison. | Snelgrove. |
| Heaton. | Speck. |
| Hines. | Stephens. |
| Hogg. | Stevenson. |
| Holder. | Tarwater. |
| Hopkins. | Thompson. |
| Jenkins. | Thurmond. |
| Johnson | Tillotson. |
| of Dimmit. | Turner. |
| Johnson of Smith. | Van Zandt. |
| Johnson of Scurry. | Veatch. |
| Keller. | Walters. |
| Kemble. | Warwick. |
| Kennedy. | Webb. |
| Kincaid. | Westbrook. |
| King. | White. |

Wiggs.
Williams
of Sabine.
Williams
of Hardin.

Williams
of Travis.
Woodall.
Young.

Absent.

Baldwin.
Brice.
Coltrin.
Fuchs.
Gates.
Gerron.
Hardy.
Harding.
Harman.
Hefley.
Hubbard.
Keeton.
Long of Houston.

Mankin.
McKean.
Minor.
Mullally.
Nicholson.
O'Neill.
Palmer.
Patterson.
Petsch.
Quinn.
Reid.
Strong.
Wallace.

Absent—Excused.

Acker.
Hornaday.
Jones.
Justiss.
Kayton.
Kenyon.
Mauritz.
Morse.

Pope of Nueces.
Renfro.
Rogers.
Shaver.
Smith.
Storey.
Waddell.
Woodruff.

HOUSE BILL NO. 87 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 87, A bill to be entitled "An Act to amend Article 7117 of Chapter 5 of Title 122, of the Revised Civil Statutes of Texas, 1925 codification, so as to exempt from inheritance tax intangible personal property of a non-resident who was, at the time of his death, a resident of a State or Territory of the United States or of a foreign country which did not impose a transfer or inheritance tax of any character in respect of intangible personal property of residents of this State.

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 87 ON THIRD READING.

Mr. McGill moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 87 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—104.

Adkins.

Anderson.

Avis.
Baker.
Baldwin.
Bateman.
Beck.
Bond.
Bounds.
Brooks.
Carpenter.
Chastain.
Coltrin.
Cox of Navarro.
Cox of Limestone.
Davis.
Dunlap.
Duvall.
Enderby.
Ewing.
Finn.
Finlay.
Forbes.
Gates.
Gerron.
Gilbert.
Giles.
Hardy.
Harding.
Harman.
Harper.
Harrison.
Heaton.
Hines.
Hogg.
Holder.
Hopkins.
Hubbard.
Johnson
of Dimmit.
Johnson of Smith.
Johnson of Scurry.
Keller.
Kemble.
King.
Kinnear.
Land.
Lee.
Lemens.
Long of Houston.
Long of Wichita.
Mankin.
Martin.
Maynard.

McDonald.
McGill.
Mehl.
Metcalf.
Montgomery.
Moore.
Mosely.
Mullally.
Murphy.
Negley.
Olsen.
O'Neill.
Palmer.
Pavlica.
Pool.
Pope of Jones.
Prendergast.
Purl.
Ray.
Reader.
Reid.
Richardson.
Sanders.
Savage.
Shelton.
Sherrill.
Shipman.
Simmons.
Sinks.
Snelgrove.
Speck.
Stevenson.
Tarwater.
Thompson.
Thurmond.
Tillotson.
Turner.
Van Zandt.
Veatch.
Walters.
Warwick.
Webb.
Westbrook.
White.
Williams
of Sabine.
Williams
of Hardin.
Williams
of Travis.
Woodall.

Nays—15.

Ackerman.
Albritton.
Bradley.
Brice.
Cox of Lamar.
DeWolfe.
Graves
of Williamson.

Jenkins.
Keeton.
Kennedy.
Loy.
Mauritz.
McCombs.
Rountree.
Young.

Present—Not Voting.

Stephens.

Wiggs.

Absent.

| | |
|------------------|------------|
| Barnett. | McKean. |
| Conway. | Minor. |
| Eickenroht. | Nicholson. |
| Fuchs. | Patterson. |
| Graves of Erath. | Petsch. |
| Hefley. | Quinn. |
| Kincaid. | Strong. |

Absent—Excused.

| | |
|-----------------|-----------|
| Acker. | Renfro. |
| Hornaday. | Rogers. |
| Jones. | Shaver. |
| Justiss. | Smith. |
| Kayton. | Storey. |
| Kenyon. | Waddell. |
| Morse. | Wallace. |
| Pope of Nueces. | Woodruff. |

The Speaker then laid House bill No. 87 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—95.

| | |
|--------------------|------------------|
| Anderson. | Keeton. |
| Baker. | Keller. |
| Baldwin. | Kemble. |
| Bateman. | Kincaid. |
| Beck. | Kinnear. |
| Bond. | Land. |
| Bounds. | Lemens. |
| Bradley. | Long of Houston. |
| Brooks. | Mankin. |
| Carpenter. | Martin. |
| Chastain. | Maynard. |
| Coltrin. | McDonald. |
| Cox of Navarro. | McGill. |
| Cox of Limestone. | Mehl. |
| Davis. | Metcalfe. |
| DeWolfe. | Montgomery. |
| Dunlap. | Moore. |
| Duvall. | Mosely. |
| Enderby. | Mullally. |
| Ewing. | Murphy. |
| Finn. | Negley. |
| Gates. | O'Neill. |
| Gerron. | Pavlica. |
| Gilbert. | Pool. |
| Giles. | Pope of Jones. |
| Harding. | Prendergast. |
| Harper. | Ray. |
| Harrison. | Reader. |
| Heaton. | Reid. |
| Hines. | Richardson. |
| Hogg. | Rountree. |
| Holder. | Sanders. |
| Hopkins. | Savage. |
| Hubbard. | Shelton. |
| Johnson | Shipman. |
| of Dimmit. | Simmons. |
| Johnson of Smith. | Sinks. |
| Johnson of Scurry. | Speck. |

Stevenson.
Tarwater.
Thompson.
Thurmond.
Tillotson.
Turner.
Van Zandt.
Veatch.
Wallace.

Warwick.
Webb.
Westbrook.
White.
Williams
of Sabine.
Williams
of Hardin.
Woodall.

Nays—15.

| | |
|----------------|------------|
| Ackerman. | Jenkins. |
| Albritton. | Kennedy. |
| Barnett. | Lee. |
| Brice. | McCombs. |
| Cox of Lamar. | Sherrill. |
| Forbes. | Snelgrove. |
| Graves | Walters. |
| of Williamson. | Young. |
| Hardy. | |

Present—Not Voting.

| | |
|----------|-----------|
| Adkins. | Stephens. |
| Mauritz. | |

Absent.

| | |
|------------------|------------|
| Avis. | Minor. |
| Conway. | Nicholson. |
| Eickenroht. | Olsen. |
| Finlay. | Palmer. |
| Fuchs. | Patterson. |
| Graves of Erath. | Petsch. |
| Harman. | Purl. |
| Hefley. | Quinn. |
| King. | Strong. |
| Long of Wichita. | Wiggs. |
| Loy. | Williams |
| McKean. | of Travis. |

Absent—Excused.

| | |
|-----------------|-----------|
| Acker. | Renfro. |
| Hornaday. | Rogers. |
| Jones. | Shaver. |
| Justiss. | Smith. |
| Kayton. | Storey. |
| Kenyon. | Waddell. |
| Morse. | Woodruff. |
| Pope of Nueces. | |

HOUSE BILL NO. 120 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 120, A bill to be entitled "An Act to amend Article 2547 (2443), Chapter 2, Title 47, Revised Civil Statutes of the State of Texas, being Chapter 129, pages 197 to 199, inclusive, of the General Laws of the State of Texas passed by the Fortieth Legislature at the Regular Session, which article and chapter provide for the making of bonds for the securing of county deposits, etc."

The bill was read second time.

On motion of Mr. Sanders, House bill No. 120 was set as a special order for 11 o'clock a. m. next Tuesday.

BILL RECOMMITTED.

On motion of Mr. Pope of Jones (by unanimous consent), Senate bill No. 174 was recommitted to the Committee on Judicial Districts.

SENATE BILL NO. 158 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 158, A bill to be entitled "An Act to amend House bill No. 52, Chapter 42, of the General and Special Laws passed by the Fortieth Legislature at its Regular Session, which said House bill No. 52, Chapter 42, created the Eighty-fourth Judicial District, the amendment extending the said House bill No. 52, Chapter 42, in force; and providing that same shall be revised and be extended beyond the time of its expiration so that it would not expire within two years from the time that it took effect, as was provided in said Chapter 42; providing that the Eighty-fourth Judicial District shall continue in force to be composed of the counties of Carson, Hutchinson, Hansford, Ochiltree and Hemphill; also providing that the Thirty-first Judicial District shall hereafter comprise only the counties of Roberts, Wheeler, Gray and Lipscomb; prescribing the time for the holding of terms of court in said districts in the various counties comprising same; providing that the judges and district at-

torneys who are now or have been elected and holding offices in said districts shall continue to hold the same for the full statutory and constitutional time in said districts as changed; prescribing the jurisdiction of the district courts in the Thirty-first and Eighty-fourth judicial Districts, etc."

The bill was read second time.

Question—Shall the bill be passed to third reading?

ADJOURNMENT.

On motion of Mr. Young, the House, at 11:50 o'clock a. m., adjourned until 9:30 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills, as follows:

Criminal Jurisprudence: House bills Nos. 84, 161 and 135.

Judiciary: House bills Nos. 163 and 55.

Education: House bills Nos. 10, 108, 109, 125 and 126.

Privileges, Suffrage and Elections: House bill No. 338.

The following committees have today filed adverse reports on bills, as follows:

Criminal Jurisprudence: House bill No. 141.

Judiciary: House bills Nos. 101, 103 and 95.

In Memory
of
Hon. William J. Carson

Mr. Metcalfe offered the following resolution:

Whereas, On Saturday, January 19th, 1929, in the city of San Angelo, Texas, the life of Hon. William J. Carson, a former member of the House of Representatives, came to a peaceful close; and

Whereas, Mr. Carson served with distinction and honor in the Thirty-eighth Legislature; and

Whereas, By his death the West has lost one of its pioneers and highly esteemed citizens; therefore, be it

Resolved, by the House of Representatives, That we express our sympathy to the relatives of the deceased, and that a page of the House Journal be set aside today in memory of Mr. Carson and his faithful and honorable service, and that when the House adjourns today it be in respect to him.

METCALFE.
FINLAY.
KING.
DUNLAP.

The resolution was read second time and was adopted by a rising vote.